

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on May 4, 2004 at 7:04 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Commissioner Donnell seconded by Commissioner Schilling moved to approve the minutes of the Regular Meeting held on April 20 and Special Meeting April 29, 2004.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Gambill moved to approve the department report of Library for the month of April.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to approve the bills and payroll for the last half of April.

Bills and Payroll

General Fund

Payroll		\$ 222,735.67
Bills		<u>\$ 53,366.82</u>
	Total	\$ 276,102.49

Hotel Tax Fund

Payroll		\$ 1,375.23
Bills		<u>\$ 2,934.41</u>
	Total	\$ 4,309.64

Festival Management

Bills		<u>\$ 25.00</u>
	Total	\$ 25.00

Capital Project

Bills		<u>\$ 73,555.84</u>
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Total	\$ 73,555.84
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Water Fund

Payroll	\$ 31,533.75
Bills	<u>\$ 86,087.64</u>
Total	\$ 117,621.39

Sewer Fund

Payroll	\$ 34,620.43
Bills	<u>\$ 73,296.43</u>
Total	\$ 107,916.86

Cemetery Fund

Payroll	\$ 2,229.44
Bills	<u>\$ 6,655.88</u>
Total	\$ 8,885.32

Health Insurance

Bills	<u>\$ 47,328.40</u>
Total	\$ 47,328.40

Motor Fuel Tax

Bills	<u>\$ 6,592.12</u>
Total	\$ 6,592.12

Revolving Loan

Bills	<u>\$ 240.00</u>
Total	\$ 240.00

Water Fund

Bills	<u>\$ 110.00</u>
Total	\$ 110.00

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to place on a consent agenda: **Resolution 2004-2550**, approving an Administrative Services Contract and Amendment No. 1 to the Administrative Services Contract for the Group Dental Benefit Plan for employees and retirees of the municipality to be administered by Delta Dental of Illinois; **Resolution 2004-2553**, accepting a grant of HOME Single Family Housing Rehabilitation Funds and authorizing the mayor and city clerk to sign all documents incidental to implementation of the grant program; **Special Ordinance 2004-1031**, establishing the 2004/2005 Compensation Plan for Employees of the Municipality; **Special Ordinance 2004-1032**, authorizing a variance from front and side yard set back requirements to enable an

expansion of St. Johns Lutheran School on the south side of 201 Broadway Avenue; **Ordinance 2004-5179** implementing the provisions of the state officials and employees Ethics Act; **Ordinance 2004-5180**, establishing requirements for execution of an agreement as a condition of new applications for water service, including terms mandating annexation when real estate becomes contiguous to the municipality; **Council Decision Request 2004-305**; reporting bids received and authorizing chemical procurements for the water treatment plant; **Council Decision Request 2004-306**, authorizing the Fire Chief to order 14 self-contained breathing apparatus and 15 spare bottles from MES –Global Fire Equipment at a combined cost of \$46,732 with funds from FEMA “Assistance to Firefighters Grant”, Account 110-5251-316; and **Council Decision Request 2004-307**, approving a job description and authorizing recruitment for an Administrative Assistant for Nuisance Code Enforcement.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to approve the consent agenda consisting of **Resolution 2004-2550**, approving an Administrative Services Contract and Amendment No. 1 to the Administrative Services Contract for the Group Dental Benefit Plan for employees and retirees of the municipality to be administered by Delta Dental of Illinois; **Resolution 2004-2553**, accepting a grant of HOME Single Family Housing Rehabilitation Funds and authorizing the mayor and city clerk to sign all documents incidental to implementation of the grant program; **Special Ordinance 2004-1031**, establishing the 2004/2005 Compensation Plan for Employees of the Municipality; **Special Ordinance 2004-1032**, authorizing a variance from front and side yard set back requirements to enable an expansion of St. Johns Lutheran School on the south side of 2001 Broadway Avenue; **Ordinance 2004-5179**, implementing the provisions of the state officials and employees Ethics Act; **Ordinance 2004-5180**, establishing requirements for execution of an agreement as a condition of new applications for water service including terms mandating annexation when real estate becomes contiguous to the municipality; **Council Decision Request 2004-305**, reporting bids received and authorizing chemical procurements for the water treatment plant; **Council Decision Request 2004-306**, authorizing the Fire Chief to order 14 self-contained breathing apparatus and 15 spare bottles from MES Global Fire Equipment at a combined cost of \$46,732 with funds for FEMA “Assistance to Firefighters Grant”, Account 110-5251-316; **Council Decision Request 2004-307**, approving a job description and authorizing recruitment for an Administrative Assistant for Nuisance Code Enforcement.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2550

A RESOLUTION APPROVING AN ADMINISTRATIVE SERVICES CONTRACT AND AMENDMENT NO. 1 TO THE ADMINISTRATIVE SERVICES CONTRACT FOR THE GROUP DENTAL BENEFIT PLAN FOR EMPLOYEES AND RETIREES OF THE MUNICIPALITY TO BE ADMINISTERED BY DELTA DENTAL OF ILLINOIS

WHEREAS, the City Council has retained Delta Dental of Illinois to be the third party administrator for the group dental benefit plan for employees and retirees of the municipality; and

WHEREAS, it is the intent of the City Council that the dental plan shall be substantially equivalent to the group health plan administered by Benefit Administrative Systems, Ltd., the predecessor third party administrator of the health plan for calendar year 2003, except as changed by agreements negotiated with the three collective bargaining units that represent the majority of the City’s employees and requirements of the Employee Retirement Income

Security Act of 1974 (“ERISA”) Sections §102 and §402; and

WHEREAS, these changes shall become effective January 1, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that the Mayor and City Clerk are authorized to execute documents and take such other administrative action necessary to implement the Group Dental Benefit Plan for employees and retirees of the municipality, a copy of which is attached hereto and incorporated herein by reference.

Upon motion by Mayor Carter seconded by Commissioner Schilling adopted this 4th day of May, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of May, 2004.

/s/ David E. Carter

David Carter, Mayor

City of Mattoon, Coles County,

Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O’Brien

/s/ J. Preston Owen

Susan O’Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on May 5, 2004.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2004-2553

A RESOLUTION ACCEPTING A GRANT OF HOME SINGLE FAMILY HOUSING REHABILITATION FUNDS AND AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN ALL DOCUMENTS

INCIDENTAL TO IMPLEMENTATION OF THE GRANT PROGRAM

WHEREAS, the City of Mattoon (hereinafter “SPONSOR”), applied to the State of Illinois for HOME Single Family Owner Occupied Rehabilitation Program grant funds administered by the Illinois Housing Development Authority (IHDA), and

WHEREAS, it is necessary for the City Council to authorize the Mayor and City Clerk to sign documents as Required by the Illinois Housing Development Authority in connection with said HOME funds.

NOW, THEREFORE, BE IT RESOLVED as follows:

RESOLVED that the Grant Agreement and the documents identified in the Grant Agreement, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

FURTHER RESOLVED, that the Delegation Agreement by and among the Sponsor and Coles County Regional Planning & Development Commission, and the documents identified therein, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

FURTHER RESOLVED, that either the Mayor or City Clerk is hereby authorized and empowered to execute and deliver in the name of or on behalf of the Sponsor the Grant Agreement and any and all amendments, modifications and supplements thereto, and to execute and deliver such additional documents, instruments and certificates as may be necessary or desirable for the Sponsor to perform its obligations under the Grant Agreement.

FURTHER RESOLVED, that either the Mayor or City Clerk be and is hereby authorized and directed to take such additional actions, to make further determinations, to pay such costs and to execute and deliver such additional instruments (including any amendments, Grant Agreements or supplements) as he or she deems necessary or appropriate to carry into effect the foregoing resolutions.

FURTHER RESOLVED, that the acts of the Sponsor and the Mayor or City Clerk in negotiating the Grant Agreement, including those acts taken prior to the date hereof, be, and the same hereby are, in all respects, ratified, confirmed and approved.

Upon motion by Mayor Carter seconded by Commissioner Schilling adopted this 4th day of May, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of May, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 5 2004.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1031

AN ORDINANCE ESTABLISHING THE 2004/2005 COMPENSATION PLAN FOR EMPLOYEES OF THE MUNICIPALITY

WHEREAS, negotiations resulted in ratified agreements with the three collective bargaining agents that represent employees of the municipality that provide three percent (3%) pay increases at the beginning of each fiscal year beginning May 1, 2003 and ending April 30, 2006; and

WHEREAS, each of these collective bargaining agreements provide that City Council will amend its ordinances consistent with terms of the collective bargaining agreements; and

WHEREAS, the time is now appropriate to also establish rates of pay for employees not represented by a collective bargaining agent effective with the fiscal year that began May 1, 2004.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Employees on the payroll as of the effective date of this ordinance shall be compensated for time worked retroactive to May 1, 2004 in accordance with the schedule attached to this Agreement and marked Appendix A.

Section 2. To the extent this ordinance conflicts with collective bargaining agreements or prior ordinances establishing a compensation plan for the City's employees, the collective bargaining agreements or prior ordinances shall control except where specifically amended by this ordinance.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Carter seconded by Commissioner Schilling adopted this 4th day of May, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of May, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 5, 2004.

SPECIAL ORDINANCE NO. 2004-1032

AN ORDINANCE AMENDING ORDINANCE NO. 96-4835

WHEREAS, there was filed with the Zoning Board of Appeals of the City of Mattoon, County of Coles and State of Illinois, a certain Petition by ST. JOHN'S LUTHERAN CHURCH, being the owner of the following described property:

Lots One (1), Two (2), and Three (3) in Block Four (4)
In Lumpkin Heights Edition in the City of Mattoon,
Coles County, Illinois, and commonly known as 201
Broadway Avenue, Mattoon, Illinois.

which prays for a variance in side yard requirements for said lots to allow a building setback and side yard dimension of zero feet for the North side yard bordering on Broadway Avenue.

WHEREAS, said Petition was set for public hearing before the Zoning Board of Appeals on April 20, 2004, due notice of said hearing was published and posted in accordance with the Ordinance; and

WHEREAS, said public hearing was held on April 20, 2004, before the Zoning Board of Appeals

there being no objectors present and no written objections filed; and

WHEREAS, said Petition was duly presented to the Mattoon Planning Commission for its consideration on April 26, 2004, and said Planning Commission unanimously recommended that the said variance be allowed; and

WHEREAS, the Zoning Board of Appeals duly met on May 4, 2004, and the Zoning Board having considered the recommendation of the City Planning Commission and the evidence taken at public hearing and having duly considered the matter and found the change to be in keeping with the health, wealth and welfare of the citizens of Mattoon, the Board of Appeals, did approve and recommend the requested change for a variance in the building set back and side yard requirement for said lot to allow a building set back and side yard dimension of zero feet for the North side yard bordering on Broadway Avenue in the City of Mattoon.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon, Coles County, Illinois:

That the Mattoon Zoning Ordinance and the Zone Map being a part of said Ordinance, which Ordinance is #96-4835, be amended in the following manner: That the property described as:

Lots One (1), Two (2), and Three (3) in Block Four (4)
In Lumpkin Heights Edition in the City of Mattoon,
Coles County, Illinois, and commonly known as 201
Broadway Avenue, Mattoon, Illinois.

be granted a variance in the building set back and side yard requirement for said lots to allow a building set back and side yard dimension of zero feet for the North side yard of the above-described premises bordering on Broadway Avenue.

INTRODUCED this 4th day of May, 2004.

PASSED this 4th day of May, 2004.

APPROVED this 4th day of May, 2004.

/s/ David E. Carter

MAYOR of the City of Mattoon,
In Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien

CITY CLERK of the City of
Mattoon of Coles County,
Illinois.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5179

AN ORDINANCE IMPLEMENTING THE PROVISIONS OF THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 430/1-1 ET SEQ.)

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (“Act”) which is a comprehensive revision of the State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, pursuant to Section 70-5 of the Act (5 ILCS 430/70-5), all units of local government and school districts are required to adopt an ordinance or resolution regulating the political activities of, and the solicitation and acceptance of gifts by, their respective officers and employees, “in a manner no less restrictive” than the provisions of the Act, on or before May 19, 2004; and

WHEREAS, the City Council desires to bring the municipality into compliance with the provisions of the Act.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Section §31.11 of the Code of Ordinances of the City of Mattoon is hereby amended by repealing the entire section and adopting a new Section §31.11 thereto, which shall read in its entirety as follows:

§ 31.11 STATE OFFICIALS AND EMPLOYEES ETHICS ACT

- A. The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the City to the extent required by 5 ILCS 430/70-5.
- B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.
- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act, is hereby prohibited.
- D. The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.
- E. For purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in 5 ILCS 430/70-5(c).
- F. The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- G. This Section does not repeal or otherwise amend or modify any existing ordinances or policies, which regulate the conduct of City officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).
- H. Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.
- I. The Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the City if the Illinois Supreme Court finds the Act unconstitutional.
- J. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as

adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Carter seconded by Commissioner Schilling adopted this 4th day of May, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of May, 2004.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 5th, 2004.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2004-5180

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR EXECUTION OF AN AGREEMENT AS A CONDITION OF NEW APPLICATIONS FOR WATER SERVICE, INCLUDING TERMS MANDATING ANNEXATION WHEN THE REAL ESTATE BECOME CONTIGUOUS TO THE MUNICIPALITY

WHEREAS, the City of Mattoon is authorized pursuant to 65 ILCS 5/11-129-1, 65 ILCS 5/11-139-2, 65 ILCS 5/11-139-8, 65 ILCS 5/11-149-1, 65 ILCS 5/11-150-1 to acquire, construct, maintain and operate a waterworks system within or without the corporate limits of the City of Mattoon, and to make, enact and enforce all needful rules and regulations for the acquisition, construction, extension, improvement, management, and maintenance of its waterworks system; and

WHEREAS, the City of Mattoon, after careful consideration and investigation, has determined that it is necessary to enact certain rules and regulation for the acquisition, construction, extension, improvement, management, and

maintenance of its waterworks system; and

WHEREAS, by Resolution 2004-2542 the City Council adopted a budget strategy asking for an ordinance mandating annexation when real estate becomes continuous to the municipality as a condition of all new applications for water service, including existing services upon change in ownership; and

WHEREAS, this measure is intended to expand the real estate tax base of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon, Coles County, Illinois as follows:

Section 1. Section §51.17 of Chapter 51 of the Code of Ordinances of the City of Mattoon is hereby amended by the addition of the following paragraphs:

(C) All persons desiring to connect to, or otherwise be a customer of, the waterworks system of the City of Mattoon shall, prior to being connected to said waterworks system execute a certain Water Service Agreement in that form provided at paragraph (D) of this section. The Finance Director, his or her designee is hereby authorized to execute said Water Service Agreement on behalf of the City of Mattoon. The original Water Service Agreement shall be placed on file with the City Clerk. A copy of all Water Service Agreements signed by a customer living outside of the Mattoon City Limits shall be filed with the Public Works Department. Additionally the City Clerk shall record in the Office of the Coles County Recorder upon execution any Water Service Agreement signed by a customer living outside of the Mattoon City Limits.

(D) The standard form of Water Service Agreement prescribed by Paragraph (C) of this section that becomes effective June 1, 2004 shall be as follows:

(Space above this line for recording data.)

WATER SERVICE AGREEMENT

By this Water Service Agreement (hereinafter referred to as "Agreement") executed by and between the City of Mattoon, Illinois, a municipal corporation (hereinafter referred to as "City") and

_____ (hereinafter referred to as "Customer") and in consideration of the terms, conditions, covenants and mutual benefits contained herein, it is hereby agreed that:

1. Customer is the owner of certain real estate legally described in the attached Exhibit A and desires that the City supply water service to said real estate. A Customer requesting service for areas presently within the Mattoon City Limit Boundaries shall list the street address for the area to be served but is not required to attach a legal description.
2. City is the owner and operator of a waterworks system as defined in 65 ILCS 5/11-139-1, and desires to supply water service to said real estate.
3. City shall supply water service to Customer in accordance with its rate schedule, rules and regulations, as amended from time to time by the City, governing the rate, use, maintenance, construction, and management of the City waterworks system as defined in 65 ILCS 5/11-139-1.

4. Customer shall comply with all rate schedules, rules and regulations, as amended from time to time by the City, governing the rate, use, maintenance, construction, and management of the City waterworks system as defined in 65 ILCS 5/11-139-1. In the event the Customer fails to comply with all rates, rules and regulations, as amended from time to time by the City, governing the rate, use, maintenance, construction, and management of the City waterworks system, the City shall notify Customer of such non-compliance by letter describing the event of non-compliance directed to the Customer's last water service billing address by certified mail return receipt requested. If such non-compliance is not corrected within fifteen (15) days from the date of such notice, the City shall disconnect the Customer's water service.

5. In the event that any part of the real estate identified in Exhibit A becomes contiguous to the corporate boundaries of the City, the Customer shall execute a petition to annex said real estate into the corporate boundaries of the City, and shall do any and all acts necessary to annex said real estate into the corporate boundaries of the City. The City shall disconnect water service to the Customer if the Customer fails or otherwise refuses to execute such petition to annex, or otherwise fails to do any act necessary to annex said real estate into the corporate boundaries of the City.

Customer: _____ Date: _____

Water Service Billing Address: _____

City of Mattoon, Coles County, Illinois

By: _____ Date: _____

Title: _____

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Carter seconded by Commissioner Schilling adopted this 4th day of May, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling,
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of May, 2004.

/s/ David Carter

David Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 5, 2004.

Council Decision Request 2004-305, reporting bids received and authorizing chemical procurements for the water treatment plant.

Council Decision Request 2004-306, authorizing the Fire Chief to order 14 self-contained breathing apparatus and 15 spare bottles from MES-Global Fire Equipment at a combined cost of \$46,732 with funds from FEMA "Assistance to Fire Fighters Grant", Account 110-5251-316.

Council Decision Request 2004-307, approving a job description and authorizing recruitment for an Administrative Assistant for Nuisance Code Enforcement.

Mayor Carter declared the motion to approve all items on the consent agenda carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. Commissioners Gambill and Schilling recognized the Fire Department, Fire Chief, and other City employees for their assistance with the aftermath of the Bushue building collapse.

Steve Bergfeld addressed the Council reiterating from the previous meeting a request for a resolution prohibiting Canadian National Railroad from using remote control locomotives within the City limits.

Mayor Carter seconded by Commissioner Gambill moved to adjourn to executive session to discuss matters that may lawfully be discussed in closed session, topic pertaining to personnel, real estate or potential litigation at 7:17 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Reconvened at 8:35 p.m.

Commissioner Hesse seconded by Commissioner Gambill moved to appoint Larry Metzelaars to Acting Police Chief.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Mayor Carter moved to adjourn at 8:42 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner

Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

/s/ Susan J. O'Brien
City Clerk